

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>STEVEN MELEIKA,</b>	:	
	:	
<b>Plaintiff</b>	:	<b>CIVIL ACTION NO. 3:21-1539</b>
	:	
<b>v.</b>	:	<b>(MANNION, D.J.)</b>
	:	<b>(CARLSON, M.J)</b>
<b>MONROE COUNTY, PA,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

Presently before the court is the September 8, 2021 Report and Recommendation of Magistrate Judge Martin Carlson (“Report”), (Doc. 6), which recommends that the *pro se* complaint of plaintiff Steven Meleika, (Doc. 1), raising constitutional claims under Monell<sup>1</sup> against defendant Monroe County pursuant to [42 U.S.C. §1983](#), be dismissed without prejudice to the plaintiff filing an amended complaint which conforms with the federal pleading requirements, including Fed.R.Civ.P. 8. In his Report, Judge Carlson also explains why plaintiff’s complaint fails to state a claim upon

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<sup>1</sup>See [Monell v. New York City Dept. of Social Servs.](#), 436 U.S. 658 (1978). No doubt that *Monell* applies to claims of liability under §1983 against municipalities, such as Monroe County, alleged to be violating plaintiff’s constitutional rights. See [Mulholland v. Gov’t County of Berks](#), 706 F.3d 227, 237 (3d Cir. 2013) (holding that a municipality “can be held responsible as an entity when the injury inflicted is permitted under its adopted policy or custom.”).

which relief can be granted under Fed.R.Civ.P. 12(b)(6). No objections have been filed to the Report. Rather, in response to the Report, plaintiff filed an amended complaint, (Doc. 7), on September 20, 2021. Based on the court's review of the record and pleadings in this matter, the Report will be adopted in its entirety, and plaintiff's original complaint, (Doc.1), will be dismissed without prejudice pursuant to 28 U.S.C. §1915(e)(2)(B)(ii).

When no objections are made to the report and recommendation of a magistrate judge, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." [Fed.R.Civ.P. 72\(b\)](#); advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D. Pa. 2010) (citing [Henderson v. Carlson](#), 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. [28 U.S.C. §636\(b\)\(1\)](#); [M.D. Pa. L.R. 72.31](#).

The court has reviewed the Report of Judge Carlson, as well as the original complaint, and the court will adopt the Report and dismiss the complaint without prejudice.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

- (1)** The Report of Judge Carlson, **(Doc. 6)**, is **ADOPTED IN ITS ENTIRETY**;
- (2)** The plaintiff's original complaint, **(Doc. 1)**, is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. §1915(e)(2)(B)(ii);
- (3)** The plaintiff's amended complaint, **(Doc. 7)**, will be screened by Judge Carlson; and
- (4)** The Clerk of Court is directed to **REMAND THIS CASE** to Judge Carlson for further proceedings.

s/ Malachy E. Mannion

**MALACHY E. MANNION**  
**United States District Judge**

**DATE: September 29, 2021**

21-1539-01